

Applic. No. 10/036,250
Amdt. dated May 24, 2004
Reply to Office action of February 24, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-13 remain in the application. Claims 1, 8, 9, and 13 have been amended.

In item 2 on page 2 of the above-identified Office action, claims 9-13 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that it is not clear whether or not the receiving device is a part of the claimed apparatus. Applicants respectfully believe that it is clear from the preamble of claim 9 and 13 that the receiving device is a work-piece and not part of the invention. Nevertheless, claims 9 and 13 have been amended so as to facilitate prosecution of the application. Should the Examiner disagree with applicant's position, the Examiner is kindly requested to propose any changes he deems necessary.

The Examiner stated that it is not clear from claim 9 whether or not referenced inner chambers are the same. Based on the amendment as indicated above, applicants respectfully believe that it is understood that the inner chamber in the body of

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the claim is part of the device for removing liquid and not a part of the work-piece.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 4 on page 2 of the Office action, claims 1-13 have been rejected as being fully anticipated by James (U.S. Patent No. 4,717,510) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 2, line 20 to page 3, line 24 of the specification.

More specifically, independent claims 1, 8, 9, and 13 have been amended to so as to recite that the device is in an in-

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drum drying installation. As explained in detail in the specification of the instant application, the present invention is a specifically developed system, which is constructed for processing liquids loaded with possibly radioactively contaminated particles. The present invention includes a loss plate in order to achieve a significant simplification of a sequence accomplished by machines and a reduction of possibly radioactively contaminated components which might have to be decontaminated for such installations. The loss plate serves for closing a drum with the exception of a comparatively small opening, via which a medium exchange can take place during the actual drying. The loss plate replaces a filler hood, which significantly decreases the complexity for in-drum drying installations.

The use of a loss plate as recited in the claims of the instant application is not shown or suggested by James. James discloses a container being used for the treatment of radioactively contaminated waste. More specifically, James pertains to a final disposal container, which is filled with radioactively contaminated particles or components. Subsequently, the container in James is closed with a lid and a subsequent filling and sealing with a solidifiable medium is provided through a remaining filling port. There is no

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motivation to provide the device disclosed in James for an application used in an in-drum drying installation.

Since claims 1 and 9 are believed to be allowable, dependent claims 2-7 and 10-12 are believed to be allowable as well.

Even though claim 3 is believed to be allowable, the following comments pertain to claim 3.

The James reference does not disclose a loss plate having a convexity, as recited in claim 3 of the instant application. Furthermore, the James reference provides no motivation to provide a loss plate with a convexity in an in-drum drying installation.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 8, 9, or 13. Claims 1, 8, 9, and 13 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 9, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-13 are solicited.

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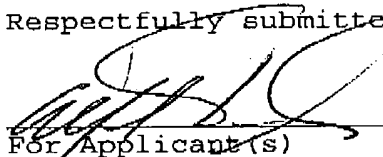
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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

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